

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DANIEL HUBERT, individually and on behalf of all others similarly situated,	:	Civil Action No. 2:15-cv-01391-MRH
	:	
	:	
Plaintiff,	:	
	:	
v.	:	Oral Argument Requested
	:	
GENERAL NUTRITION CORPORATION,	:	This Document Relates to:
	:	All Actions
	:	
Defendant.	:	
	:	
	:	
(In re: GNC Picamilon/BMPEA Litigation)	:	

**GENERAL NUTRITION CORPORATION’S NOTICE OF MOTION TO DISMISS
FIRST AMENDED CONSOLIDATED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6), Defendant General Nutrition Corporation (“GNC”) respectfully moves this Court for an Order dismissing the First Amended Consolidated Complaint filed by Plaintiffs for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted.

In addition, pursuant to Federal Rule of Evidence 201(b), GNC moves for judicial notice of certain documents and facts relating to BMPEA and Picamilon, as set forth in more detail in the brief filed in support of this motion and in the request for judicial notice filed concurrently herewith.

In support of this motion, GNC respectfully submits its Brief in Support of the Motion to Dismiss, the Request for Judicial Notice, and the declarations of Stephen Cherry and Amy B. Alderfer filed concurrently herewith.

Respectfully submitted,

Dated: May 26, 2016

/s/ Amy B. Alderfer

Amy B. Alderfer

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